

OGC Has Reviewed

18 SEP 1963

Mr. W. A. Romnich  
Assistant Director for  
Legislative Reference  
Bureau of the Budget  
Washington 25, D.C.

Dear Mr. Romnich:

This is in response to your letter of 11 September 1963 requesting this Agency's views on proposed amendments to S. 920, a bill to amend the Communications Act of 1934, as amended.

The amendment tentatively agreed upon by representatives of the Departments of State, Justice and Defense and the Bureau of the Budget and the Federal Communications Commission, provides that, on request, appropriate agencies of the Government shall forthwith furnish to the FCC such information in their possession as will permit the FCC to make a determination with respect to national security in issuing authorizations to alien amateur radio operators.

Before commenting on this amendment, I should like to call attention to my earlier letter of 3 August 1963 to you on this bill. In that letter I referred to our agreement with the position expressed by the Department of Justice on this legislation that security aspects are a factor of major and continuing importance. I also indicated that it has been our experience that radio communication is a vital factor in espionage operations. I assume that those agencies within whose jurisdiction rests the responsibility of maintaining the internal security of the United States have fully considered the internal security aspects of this legislation.

The FCC letter regarding this amendment sets forth the Commission's understanding that upon receipt of a request for authorization of an operational, or alien amateur, the FCC would ask the Central Intelligence Agency and the Departments of Defense, Justice and State to supply it with any information in their possession which bears on the particular request, together with any recommendation they may care to make. With the establishment of appropriate safeguards, this Agency would have no objection to the proposed amendment. In fact, it is our feeling that if S. 920 is to be enacted, the Bill would be strengthened by the addition of this amendment.

The Director of Central Intelligence has a statutory responsibility for the protection of intelligence sources and methods. Consequently, it must be understood that information furnished to the FCC pursuant to this bill would be provided with the understanding that it would be used only by security-cleared FCC personnel on a need-to-know basis and would not be disclosed to the applicant or his representative or released to individuals outside the FCC.

Our only other comment relates to the use of the word "forthwith" in the second proviso of the proposed amendment. We believe the inclusion of this word is unnecessary and recommend that it be deleted.

Sincerely,

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[Redacted]

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Legislative Counsel

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